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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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TONYA LATNEY,

Plaintiff,

v.

KARLA RUGGIERO, *et al.*,

Defendants.

Case No. 2:17-cv-01748-JAD-GWF

ORDER

This matter is before the Court on Plaintiff's Motion to Extend Time to File Amended Complaint (ECF No. 7), filed on October 10, 2018.

Plaintiff is proceeding in this action *pro se* and she submitted a complaint on June 26, 2017. *See Complaint* (ECF No. 1-1). The Court issued a Screening Order (ECF No. 2) granting Plaintiff's request to proceed *in forma pauperis* and screened the complaint pursuant to 28 U.S.C. § 1915(e). The undersigned found that Plaintiff's complaint failed to state a valid Title VII and breach of contract claim against Defendant Valley Health System Summerlin Hospital and allowed her until July 30, 2018, to file an amended complaint correcting the noted deficiencies. On August 22, 2018, the Court issued an Order to Show Cause instructing Plaintiff to show cause why this matter should not be dismissed for failure to file an amended complaint. Plaintiff represented that she misunderstood a previous order and believed that her case was dismissed. The Court provided Plaintiff another opportunity to file an amended complaint and instructed her to file her amended complaint no later than October 5, 2018. Plaintiff now represents that she is having a difficult time trying to understand legal terminology and requests an extension to file her amended complaint. The Court grants Plaintiff a 30 day extension to file her amended complaint. Plaintiff shall file her amended complaint no later than **November 14, 2018**.

...

1 As Plaintiff elects to proceed in this action by filing an amended complaint, she is informed
2 that the court cannot refer to a prior pleading in order to make her amended complaint complete.
3 Local Rule 15–1 requires that an amended complaint be complete in itself without reference to any
4 prior pleading. This is because, as a general rule, an amended complaint supersedes the original
5 complaint. *See Valdez-Lopez v. Chertoff*, 656 F.3d 851, 857 (9th Cir. 2011); *see Loux v. Rhay*,
6 375 F.2d 55, 57 (9th Cir.1967). Once Plaintiff files an amended complaint, the original pleading
7 no longer serves any function in the case. Therefore, in an amended complaint, as in an original
8 complaint, each claim and the involvement of each defendant must be sufficiently alleged.
9 Plaintiff is advised that litigation will not commence upon the filing of an amended complaint.
10 Rather, the Court will need to conduct an additional screening of the amended complaint pursuant
11 to 28 U.S.C. § 1915(e). If Plaintiff fails to file an amended complaint or fails to cure the
12 deficiencies identified above, the Court will recommend that the complaint be dismissed with
13 prejudice. Accordingly,

14 **IT IS HEREBY ORDERED** that Plaintiff shall have until **November 14, 2018** to file an
15 amended complaint correcting the deficiencies noted in the Court’s Order issued on July 2, 2018.

16 Dated this 15th day of October, 2018.

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19 GEORGE FOLEY, JR.
20 UNITED STATES MAGISTRATE JUDGE
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